

ESTTA Tracking number: **ESTTA655366**

Filing date: **02/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	NFL Properties LLC
Granted to Date of previous extension	02/11/2015
Address	345 Park Avenue New York, NY 10154 UNITED STATES

Name	Pro-Football, Inc.
Granted to Date of previous extension	02/11/2015
Address	21300 Redskin Park Drive Ashburn, VA 20147 UNITED STATES

Attorney information	Kristin H. Altoff Morgan, Lewis & Bockius LLP 1111 Pennsylvania Ave NW; Attn: TMSU Washington, DC 20004 UNITED STATES trademarks@morganlewis.com, kaltoff@morganlewis.com, chowell@morganlewis.com Phone:202.739.5093
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Applicant Information

Application No	86291217	Publication date	10/14/2014
Opposition Filing Date	02/11/2015	Opposition Period Ends	02/11/2015
Applicant	Wright, Travis 4981 Colburn Terrace Hyattsville, MD 20782 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Entertainment services, namely, an ongoing series featuring football games provided through cable television, television broadcast, webcasts, radio broadcasts; Entertainment in the nature of football games


Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	978824	Application Date	09/11/1972
Registration Date	02/12/1974	Foreign Priority Date	NONE
Word Mark	WASHINGTON REDSKINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1937/09/19 First Use In Commerce: 1937/09/19 ENTERTAINMENT SERVICES-NAMELY, PRESENTATIONS OF PROFESSIONAL FOOTBALL CONTESTS		

U.S. Registration No.	986668	Application Date	09/11/1972
Registration Date	06/18/1974	Foreign Priority Date	NONE
Word Mark	WASHINGTON REDSKINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1941/01/00 First Use In Commerce: 1941/01/00 ENTERTAINMENT SERVICES-NAMELY, PRESENTATIONS OF PROFESSIONAL FOOTBALL CONTESTS		

U.S. Registration No.	836122	Application Date	07/14/1966
Registration Date	09/26/1967	Foreign Priority	NONE

		Date	
Word Mark	THE REDSKINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1932/00/00 First Use In Commerce: 1932/00/00 ENTERTAINMENT SERVICES-NAMELY, FOOTBALL EXHIBITIONS RENDERED LIVE IN STADIA AND THROUGH THE MEDIA OF RADIO AND TELEVISION BROADCASTS		

U.S. Registration No.	987127	Application Date	09/11/1972
Registration Date	06/25/1974	Foreign Priority Date	NONE
Word Mark	THE REDSKINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1941/01/00 First Use In Commerce: 1941/01/00 ENTERTAINMENT SERVICES-NAMELY, PRESENTATIONS OF PROFESSIONAL FOOTBALL CONTESTS		

U.S. Registration No.	1085092	Application Date	11/26/1976
Registration Date	02/07/1978	Foreign Priority Date	NONE
Word Mark	REDSKINS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1932/00/00 First Use In Commerce: 1932/00/00 ENTERTAINMENT SERVICES-NAMELY, PRESENTATIONS OF PROFESSIONAL FOOTBALL CONTESTS		

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	WASHINGTON REDSKINS
Goods/Services	the goods and services listed in the Notice of Opposition

Attachments	72435127#TMSN.png(bytes) 72250227#TMSN.png(bytes) 72435244#TMSN.png(bytes) WASHINGTON REDSPEARS Opposition.pdf(22788 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kristin H. Altoff/
Name	Kristin H. Altoff
Date	02/11/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

PRO-FOOTBALL, INC. and NFL
PROPERTIES LLC,

Opposers,

v.

TRAVIS WRIGHT,

Applicant.

In re Application Serial No. 86/291,217
Mark: WASHINGTON REDSPEARS

Published: October 14, 2014

Opposition No. _____

NOTICE OF OPPOSITION

Opposers Pro-Football, Inc. and NFL Properties LLC (“Opposers”) believe they will be damaged by registration of the designation WASHINGTON REDSPEARS shown in Application Serial No. 86/291,217 (“Applicant’s WASHINGTON REDSPEARS Designation”), filed by Travis Wright (“Applicant”), a resident of suburban Washington, DC, in connection with “entertainment services, namely, an ongoing series featuring football games provided through cable television, television broadcast, webcasts, radio broadcasts; Entertainment in the nature of football games” in Class 41. Opposers hereby oppose registration of Applicant’s WASHINGTON REDSPEARS Designation under the provisions of Sections 2(a), 2(d), 13, 43(a) and 43(c) of the Trademark Act of July 5, 1946 (the “Lanham Act”), 15 U.S.C. §§ 1052(a), 1052(d), 1063, and 1125(c).

As grounds for opposition, Opposers allege that:

1. Opposer Pro-Football, Inc. (the “Redskins” or “Redskins Club”) is a Maryland corporation, with a principal place of business at 21300 Redskin Park Drive, Ashburn, Virginia 22011. The Redskins Club owns and operates a professional football team and provides entertainment services to the public in the form of competitive professional football games. The

Redskins Club is one of the thirty-two member clubs (the “Member Clubs”) of the National Football League (“NFL”).

2. Opposer NFL Properties LLC (“NFLP”) is a limited liability company organized and existing under the laws of Delaware with its principal place of business at 345 Park Avenue, New York, New York, 10154. NFLP represents the NFL and its thirty-two Member Clubs for the licensing and protection of their names, logos, symbols, and other identifying marks and is charged with protecting these marks and the rights of the NFL and the Member Clubs with respect thereto.

3. For many decades, and long before May 24, 2014, the filing date of Applicant’s intent-to-use application, Opposers have used the REDSKINS and WASHINGTON REDSKINS marks and variations thereof (collectively, the “WASHINGTON REDSKINS Marks”) in connection with their business of organizing, conducting, and promoting the Redskins football franchise.

4. For many decades, and long before May 24, 2014, the filing date of Applicant’s intent-to-use application, Opposers and their authorized business partners, sponsors, and/or licensees have used the WASHINGTON REDSKINS Marks on or in connection with the sale of a wide variety of goods and services related to the business of organizing, conducting, and promoting the Redskins football franchise.

5. In addition to the common law rights in the WASHINGTON REDSKINS Marks, the Redskins Club owns registrations for several of the WASHINGTON REDSKINS Marks used in connection with entertainment services in the form of football games and exhibitions and promotional and merchandising products, including, among others, the following registrations issued by the United States Patent and Trademark Office (“PTO”):

Registration Number	Mark	International Class(es)	Date of First Use
978,824	WASHINGTON REDSKINS	41	09/19/1937
986,668	WASHINGTON REDSKINS and Design	41	01/1941
836,122	THE REDSKINS Stylized	41	1932
987,127	THE REDSKINS and Design	41	01/1941
1,085,092	REDSKINS	41	1932

6. The registrations referenced above are valid and subsisting, in full force and effect, and constitute *prima facie* and/or conclusive evidence of the Redskins Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations.¹

7. The following registrations referenced above are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of the Redskins Club's exclusive right to use the marks in commerce in connection with the goods and services specified in the registrations: 978,824; 836,122; 987,127; and 1,085,092.

8. During the longstanding, widespread and continuous use of the WASHINGTON REDSKINS Marks, Opposers and their authorized business partners, sponsors, and licensees have expended considerable time, effort, and money in advertising and publicizing the sale of goods and services bearing the WASHINGTON REDSKINS Marks.

¹ Opposers acknowledge the Board's June 18, 2014 Decision, but note that the Decision is currently on appeal.

9. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing the WASHINGTON REDSKINS Marks in a trading area of broad geographical scope encompassing the United States, including its territories.

10. Opposers and their licensees and sponsors have sold and offered for sale goods and services bearing the WASHINGTON REDSKINS Marks in numerous channels of trade.

11. The WASHINGTON REDSKINS Marks are symbolic of the extensive goodwill and consumer recognition that Opposers have established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services Opposers sell and offer for sale under the WASHINGTON REDSKINS Marks.

12. As a result of Opposers' regular, extensive and well-publicized use, the WASHINGTON REDSKINS Marks are famous in the United States and are associated exclusively with Opposers and their high quality goods and services.

13. On May 24, 2014, Applicant filed an application for federal registration of Applicant's WASHINGTON REDSPEARS Designation shown in Application Serial No. 86/291,217.

14. The application for Applicant's WASHINGTON REDSPEARS Designation covers "entertainment services, namely, an ongoing series featuring football games provided through cable television, television broadcast, webcasts, radio broadcasts; entertainment in the nature of football games" in Class 41.

15. Applicant's WASHINGTON REDSPEARS Designation, Application Serial No. 86/291,217, was published for opposition in the *Official Gazette* on October 14, 2014.

16. The Trademark Trial and Appeal Board extended the opposition period for the Applicant's WASHINGTON REDSPEARS Designation by granting Opposers' timely requests for extensions. The opposition period for Application Serial No. 86/291,217 currently expires on February 11, 2015. Therefore, Opposers timely file this opposition.

17. Opposers' rights to the WASHINGTON REDSKINS Marks are superior to those of Applicant.

18. The WASHINGTON REDSKINS Marks are famous and became famous before the filing date or any use of Applicant's WASHINGTON REDSPEARS Designation.

19. Applicant's application for and any use of Applicant's WASHINGTON REDSPEARS Designation are without the consent, authorization, or license of Opposers.

20. Opposers believe they will be damaged by registration of Applicant's WASHINGTON REDSPEARS Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that Applicant's use and registration of the subject designation will falsely suggest a connection between Applicant and Opposers named herein to the damage of Opposers, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

21. Opposers believe they will be damaged by registration of Applicant's WASHINGTON REDSPEARS Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, on the ground that the subject designation so resembles the WASHINGTON REDSKINS Marks used by Opposers in the United States as to be likely, when used on or in connection with the services identified in the application for Applicant's WASHINGTON REDSPEARS Designation, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposers and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

22. Opposers believe they will be damaged by registration of Applicant's WASHINGTON REDSPEARS Designation under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because the use and registration of Applicant's WASHINGTON REDSPEARS Designation is likely to dilute the distinctive quality of Opposers' famous WASHINGTON REDSKINS Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposers believe they will be damaged by registration of Applicant's WASHINGTON REDSPEARS Designation shown in Application Serial No. 86/291,217 and respectfully request that the registration sought by Applicant be refused.

Dated: February 11, 2015

Respectfully submitted,

By: /s/ Kristin H. Altoff
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Attorneys for Opposers
PRO-FOOTBALL, INC. and NFL
PROPERTIES LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition has been sent via first class mail, postage pre-paid on this 11th day of February 2015 to:

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/Kristin H. Altoff/